

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Samuel J. Shuster et al.	Art Unit :	1635
Serial No. :	10/500,493	Examiner :	Sean McGarry
Filed :	December 3, 2004	Conf. No. :	4382
Title :	METHODS AND MATERIALS FOR MODULATING TRPC4		

**Mail Stop Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the Restriction Requirement mailed November 22, 2006, Applicants elect the invention of Group I, claims 1-5 and 7, drawn to the embodiment of antisense compounds targeting a nucleic acid encoding TRPC4. Applicants further elect the accessible region defined by nucleotides 43 through 86 of SEQ ID NO:1. This lack of unity rejection is traversed.

Applicants respectfully submit that further restriction of Group I is not proper. The antisense oligonucleotides encompassed by the claims comply with the guidelines set forth in the PCT Administrative Instructions at Annex B, Section (f). Contrary to the Examiner's assertion that each antisense sequence behaves in a different way, the instant oligonucleotides meet the criteria of (A) because all alternatives (e.g., accessible regions) not only have a common activity (i.e., inhibiting the production of TRPC4), they also have the common property of binding to regions of a common sequence (SEQ ID NO:1). Also contrary to the Examiner's assertion that the claimed antisense oligonucleotides do not comply with the requirements of unity of invention, the instant oligonucleotides do meet the criteria of (B)(2) because all alternatives belong to the same art recognized class of compounds (i.e., antisense oligonucleotides), and each member could be substituted one for the other with the expectation that the same intended result would be achieved (i.e., inhibiting the production of TRPC4). Thus, according to the guidelines set forth in Section (f)(i)(a) of Annex B of the PCT Administrative Instructions, the special technical feature as defined by PCT Rule 13.2 has been met.

Applicants also respectfully note that the Examiner did not deem the present application to lack unity of invention in the International Search Report issued on the PCT application corresponding to the instant National Phase application. According to M.P.E.P. § 1893.03(d),

Applicant : Samuel J. Shuster et al.  
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Page : 2 of 2

Attorney's Docket No.: 14848-006US1

the same unity of invention practice is applicable in National Phase applications submitted under 35 U.S.C. § 371 as that applied to international applications.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

/May 22, 2007/

/M. Angela Parsons/

Date: \_\_\_\_\_

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